IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2281 OF 2007

Harishchandra Sambhu Mane. ..Applicant.

Vs.

1. State of Maharashtra, &
2. Shri.Vijay M. Hiremath. ..Respondents.

..

ALONG WITH

CRIMINAL APPLICATION NO.2282 OF 2007

Ajaykumar Gaurishankar Patil. ..Applicant.

Vs.

1. State of Maharashtra, &
2. Shri.Vijay M. Hiremath. ..Respondents.

..

ALONG WITH

CRIMINAL APPLICATION NO.2283 OF 2007

Mr.Subodh Dnyaneshwar Nare. ..Applicant.

Vs.

1. State of Maharashtra, &
2. Shri.Vijay M. Hiremath. ..Respondents.

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Mr.A.P.Mundargi, Sr.Counsel with Mr.Rajesh Ravindran, Adv. for the Applicants.
Mr.P.S.Hingorani, APP, for the State.

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CORAM : R.M.S.KHANDEPARKAR AND SMT.V.K.TAHILRAMANI,JJ.

DATED : 18TH JULY, 2007.

P.C.:-

1. Heard. Rule.

2. As regards the interim relief, taking into consideration the facts of the case as revealed from the FIR and other documents made available for our perusal by the learned APP and bearing in mind the provisions of law particularly the provisions under the Insecticides Act, 1968 as well as Section 420 read with Section 415 of Indian Penal Code, *prima facie*, it appeals to us that at this stage no case is made out for taking cognizance under Section 420 of Indian Penal Code.

3. In the circumstances, though the investigation in relation to the offence under the Insecticides Act, 1968 can be proceeded with, the respondents cannot proceed in relation to investigation under Section 420 of Indian Penal Code unless they get the Analyst report verified in terms of Section 24(4) of

the Insecticides Act, 1968.

4. However, in case, on receipt of the report under Section 24(4) of the Insecticides Act the respondent consider it necessary to initiate action under Section 420 of Indian Penal Code and, in case, they find it necessary to arrest the present applicants, they should be given at least 72 hours prior notice. Order accordingly.

[R.M.S.KHANDEPARKAR,J.]

[SMT.V.K.TAHILRAMANI,J.]